

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ROBERT DALE DAVIDSON,

CV 04-407-JE

Petitioner,

ORDER

v.

CHARLES A. DANIELS and HARDY
MYERS, Attorney General, State
of Oregon,

Respondents.

ROBERT DAVIDSON
#58150-065
FCI-Sheridan
P.O. Box 5000
Sheridan, OR 97378

Plaintiff, *Pro Se*

HARDY MYERS

Attorney General

LYNN DAVID LARSEN

Assistant Attorney General

Department of Justice

1162 Court Street NE

Salem, OR 97301-4096

(503) 378-6313

Attorneys for Defendants

BROWN, Judge.

Magistrate Judge John Jelderks issued Findings and Recommendation (#37) on June 30, 2005, in which he recommended the Court deny the Petition for Writ of Habeas Corpus (#1) and dismiss this action with prejudice. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

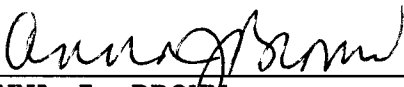
When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988); *McDonnell Douglas Corp. v. Commodore Business Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert. denied*, 455 U.S. 920 (1982). This Court has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Jelderks's Findings and Recommendation (#37) and, accordingly, **DENIES** the Petition for Writ of Habeas Corpus (#1) and **DISMISSES** this action **with prejudice**.

IT IS SO ORDERED.

Dated this 29th day of August, 2005.



ANNA J. BROWN
United States District Judge

Davidson CV 04-407 F&R.wpd